# Lycoming Reporter



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THE OFFICIAL LEGAL PERIODICAL FOR LYCOMING COUNTY

www.lycolaw.org

#### PUBLISHED EVERY FRIDAY BY LYCOMING LAW ASSOCIATION

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#### ADVERTISING RATES

Annual subscription, \$50 per year.

Estate advertisement consisting of three (3) insertions, which shall include one (1) Proof of Publication at no additional cost, \$80.

Incorporation Notices, Fictitious Name Notices, LLC Notices, and similar business notices consisting of one (1) insertion, which shall include one (1) Proof of Publication at no additional cost: \$70.00.

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#### **PBI SEMINARS FOR SPRING/SUMMER 2012**

LYCOMING LAW ASSOCIATION 25 WEST THIRD STREET, SUITE 601 WILLIAMSPORT, PA

CONTACT PBI TO REGISTER: (800) 247-4724 SIGN-IN FOR ALL SEMINARS IS ONE-HALF HOUR PRIOR TO THE PROGRAM.

ANYONE REQUIRING SPECIAL ARRANGEMENTS FOR A DISABILITY PLEASE CONTACT ZINA BARLUP (800) 932-4637 EXT. 2284 TEN (10) DAYS PRIOR TO THE COURSE.

PBI may cancel replays when the registration is insufficient ten days prior to the replay.

Check with PBI for Tuition.

An additional \$25.00 charge is assessed for registration at the door.

If you plan to register at the door, please call the PBI Customer Service Department at (800) 247-4724 before the program. If you are pre-registered and PBI elects to cancel the replay, you will be notified by PBI.

Please feel free to check www.pbi.org to confirm a scheduled seminar or replay.

#### FRIDAY, MARCH 23, 2012—9:00 A.M. to 1:30 P.M.

(3 Substantive, 1 Ethics ) PROTECTING YOUR CLIENT'S FU-TURE—MEDICARE SET ASIDE ARRANGEMENTS AND STRUCTURED SETTLEMENTS

**TUESDAY, MARCH 27, 2012—9:00 A.M. to 5:00 P.M.** (5 Substantive, 1 Ethics) FACEBOOK, TWITTER & BLOG-GING .... OH MYSPACE! LEGAL ISSUES WITH SOCIAL NETWORKING SITES

## WEDNESDAY, MARCH 28, 2012—9:00 A.M. to 4:30 P.M.

(5 Substantive, 1 Ethics) 25TH ANNUAL CIVIL LITIGATION UPDATE

**THURSDAY, APRIL 5, 2012—9:00 A.M. to 10:00 A.M.** (1 Ethics) ETHICS POTPOURRI: SOCIAL MARKETING FOR LAWYERS: DARNED IF YOU DO, DARNED IF YOU DON'T?

WEDNESDAY, APRIL 11, 2012—9:00 A.M. to 1:30 P.M. (3 Substantive, 1 Ethics) THE FAMILY LAW DISCOVERY TOOL KIT

**MONDAY, APRIL 16, 2012—12:00 P.M. to 3:15 P.M.** (3 Substantive) UM/UIM

**FRIDAY, MAY 18, 2012—8:30 A.M. to 12:45 P.M.** (4 Substantive) WORKERS' COMPENSATION PRACTICE & PROCEDURE 2012

**TUESDAY, JULY 10, 2012—8:30 A.M. to 12:45 P.M.** (3 Substantive, 1 Integrated Ethics) DEFAMATION, LIBEL & SLANDER

**THURSDAY, AUGUST 9, 2012—9:00 A.M. to 12:15 P.M.** (3 Substantive) CELL PHONE FORENSICS: WHAT EVERY ATTORNEY SHOULD KNOW ABOUT RECOVERING DIGITAL EVIDENCE

## LIVE SEMINARS BEING HELD AT THE PROFESSIONAL DEVELOPMENT CENTER PENN COLLEGE ONE COLLEGE AVENUE WILLIAMSPORT, PA

**THURSDAY, MARCH 29, 2012—9:00 A.M. to 4:00 P.M.** (5 Substantive, 1 Ethics) FUNDAMENTALS OF OIL & GAS LAW

**TUESDAY, MAY 22, 2012—9:00 A.M. to 1:15 P.M.** (4 Substantive) GAS LEASES AND ESTATE PLANNING: TECHNIQUES TO PROTECT THE FUTURE OF YOUR CLI-ENT'S MINERAL RIGHTS The full text of the following decisions of the Court of Common Pleas of Lycoming County have been posted to the Lycoming Law Association website. To read the decision, navigate to www.lycolaw.org/Cases/search.asp, and enter the name or Web citation or check "Recent Postings." [How to read the summaries: Case Name, (date of issuance)—issuing judge, category: Summary of legal concepts involved (Web citation—unique number assigned to opinion) (Date posted to the website)]

►KB vs. JB (02/08/2012)—Judge Joy Reynolds McCoy

Custody: Petition to transfer jurisdiction over custody case to New York; primary physical custody in New York; continuing significant connections; nature and quality of child's contacts with Lycoming County. (Baumer020812m) (Posted: 02/09/2012)

- ►Commonwealth vs. Colvin (02/07/2012)—Judge Craig P. Miller Criminal: Motion to correct sentence; claimed order by recused judge; authority to lessen or increase conditions of probation. (Colvin020712cpm) (Posted: 02/09/2012)
- ► Midland Funding vs. Mahaffey (02/08/2012)—Judge Dudley N. Anderson

Civil: Motion by husband to strike lien on marital home created by judgment against former wife; home subject to order requiring transfer to husband by former wife; property in custody of court. (midlandfunding020812a) (Posted: 02/08/2012)

►JDY vs. SCY (02/01/2012)—Judge Joy Reynolds McCoy Divorce: Petition to enforce agreement and for attorney fees; refusal to sign QDRO agreement; determination of the terms of the settlement agreement; silence of the agreement on the division of retirement benefits; use of applicable statute to fill in blanks in agreement. (Young2112m) (Posted: 02/06/2012)

► In re estate of Betty McKernan Coyle (02/02/2012)—Judge Marc F. Lovecchio

Wills and Estates: Petition to replace executor; petition to list property for sale; dispute over disposition of estate real estate; oil, gas and mineral rights; competing offers from beneficiaries. (coyle020212L) (Posted: 02/03/2012)

## ►Commonwealth vs. Hoffman (01/31/2012)—Judge Marc F.

Lovecchio

Criminal: Post Conviction Relief Act petition; sufficiency of facts for guilty plea to rape of impaired victim; denial of petition of counsel to withdraw from representation; supplemental review of record to determine if claims are meritorious. (hoffman013112L) (Posted: 02/03/2012)

## ► Horner vs. Loyalsock Township School District (02/02/2012)— Judge Dudley N. Anderson

Civil: Motion for interpleader; condemnation payment; attorney's lien for fees; exposure to double or multiple liability; unreasonable delay. (horner020212a) (Posted: 02/02/2012)

#### ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

#### FIRST PUBLICATION

**Chapman, James A.,** dec'd. Late of Williamsport. Executor: Wesley Brown, 305 Elmira Street, Williamsport, PA 17701.

Attorney: Christian D. Frey, Esquire, 140 East Third Street, Williamsport, PA 17701.

Heincelman, Norman F., dec'd. Late of Muncy.

Executors: H. Edward Heincelman, 18712 Rocky Way, Derwood, MD 20855 and Terre A. Belt, 1270 Village Lake Drive, Davidsonville, MD 21035. Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

#### Hubler, Virginia S., dec'd.

Late of the Borough of Duboistown.

Executor: Glenn R. Day, P.O. Box 3451, Quartzsite, AZ 85359.

Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701. Leiphart, Merl E., Jr., dec'd. Late of Williamsport. Executrix: Ann Ocker, 17 Woodbryn Drive, Williamsport, PA 17701. Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

#### SECOND PUBLICATION

Bower, Shirley L., dec'd. Late of Loyalsock Township. Administrator: Richard J. Bower, 150 Wells Road, S. Williamsport, PA 17702. Attorneys: Wilfred K. Knecht, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Elsesser, James R., dec'd. Late of Williamsport. Executrix: Grace Elsesser, 2186 Lycoming Creek Road, Williamsport, PA 17701. Attorney: Scott A. Williams, Esquire, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.

Elsesser. James R., dec'd. Late of Williamsport. James R. Elsesser Revocable Living Trust. Trustees: Grace Elsesser, 2186 Lycoming Creek Road, Williamsport, PA 17701, James R. Elsesser, 6001 Pelican Bay Blvd., PH-H, Naples, FL 34108 and Dawn L. Elsesser. 2151 Reeder Road. Montoursville, PA 17754. Attorney: Scott A. Williams, Esquire, 57 East Fourth Street, P.O. Box 3. Williamsport, PA 17703.

#### Frey, Dolores A. dec'd.

Late of Williamsport. Executor: David M. Frey, 1215 Hillsdale Drive, Williamsport, PA 17701.

Attorneys: Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci, Shipman, Dinges & Dinges, P.C., 125 East Third Street, Williamsport, PA 17701.

#### Higgins, Edward W., dec'd.

Late of Loyalsock Township. Executrix: Beverly J. Ittner, 395 Marsh Creek Road, Venice, FL 34292.

Attorneys: C. Edward S. Mitchell, Esquire, Mitchell Gallagher, 10 West Third Street, Williams-port, PA 17701.

#### Leavy, Marilyn C., dec'd.

Late of Montoursville. Executor: Daren L. Leavy, 1831 Walters Road, Montoursville, PA 17754. Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

Soules, Kenneth J., a/k/a Kenneth J. Soules, Sr., dec'd.
Late of the Township of Hepburn.
Executrix: Debra J. Finnegan, 394 Rte. 973 West, Lot 76, Cogan Station, PA 17728.

Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

#### THIRD PUBLICATION

**Crofutt, Evelyn R.,** dec'd. Late of Williamsport. Executrix: Kathy Rachael, 8 West Village Drive, Williamsport, PA 17702. Attorneys: Anthony J. Grieco, Esquire, Elion, Wayne, Grieco, Carlucci, Shipman, Dinges & Dinges, P.C., 125 East Third Street, Williamsport, PA 17701.

- Fitzsimmons, Margaret A., dec'd. Late of Loyalsock Township. Executor: John F. Fitzsimmons, 1670 Taylor Place, Williamsport, PA 17701. Attorneys: Robert Cronin, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.
- Gair, Raymond E., dec'd.
  Late of Williamsport.
  Executrices: Michaeleen G.
  McNamara a/k/a Michaeleen S.
  Shoats, 2001 Woodland Road, Montoursville, PA 17754 and Kathleen E. Gair, 151 Harvest Moon Park, Linden, PA 17744.
  Attorneys: James D. Casale, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.
- Horn, Charles F., Jr., dec'd. Late of Williamsport. Executrix: Carol L. Myers, 832 Radio Club Road, Montoursville, PA 17754. Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, P.O. Box 7, Williamsport, PA 17703.

## Hughes, Michael E., dec'd.

Late of Upper Fairfield Township.

Executrix: Carol M. Hughes, 5190 State Route 87 Highway, Williamsport, PA 17701. Attorneys: L. Craig Harris, Esquire, Carpenter, Harris & Flayhart, 128 S. Main St., P.O. Box 505, Jersey Shore, PA 17740.

#### Kulka, Steven M., dec'd.

Late of Montoursville. Executor: John R. Kulka, Jr., 4445 Elimsport Rd., Montgomery, PA 17752. Attorney: Leroy H. Keiler, III, Esquire, P.O. Box 263, Jersey Shore, PA 17740.

#### Smith, Mary K. a/k/a Mary Kathryn Smith, dec'd.

Late of Armstrong Township. Executor: Michael A. Smith, P.O. Box 5001, South Williamsport, PA 17701.

Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

#### Staib, Harry A., III, dec'd.

Late of Montgomery.

Co-Executors: Anthony J. Grieco, II, 125 East Third Street, Williamsport, PA 17701 and Richard L. Staib, 86 Waterdale Road, South Williamsport, PA 17702. Attorneys: Douglas C. Loviscky, Esquire, Loviscky & Associates, 1500 West College Avenue, State College, PA 16801.

#### Walters, Beverly J., dec'd.

Late of the Township of Loyalsock.

Executors: Richard E. Walters, Jr., 123 Livermore Road, Williamsport, PA 17701 and Susan L. Burns, 4104 SW 1st Place, Cape Coral, FL 33914. Attorney: Joseph L. Rider, Esquire, 143 West Fourth Street, Williamsport, PA 17701.

#### Waltman, Joseph H. a/k/a Joseph Hagenbuch Waltman, dec'd.

Late of Muncy Creek Township.

Co-Executrices: Rebecca Jo Fought and Heidi J. Waltman-Kane a/k/a Heidi J. Waltman-Altebrando.

Attorneys: Matthew J. Parker, Esquire, Marshall, Parker & Associates, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

#### ACTION TO QUIET TITLE

In the Court of Common Pleas of Lycoming County, Pennsylvania Civil Action—Law

NO. 11-02103

RICHARD and DIANE CONFAIR Plaintiffs

vs.

- THOMAS and CLARA WARD, ALICE WARD a/k/a ALICE MILLER, MARIAN WARD a/k/a MARIAN WATTS, EARL
- WARD, SILAS WARD, WILLIAM JENNINGS BRYAN, CATHERINE
  - WARD, ELIZABETH WARD,

BRYGET WARD, ATHIE WARD and any persons known or unknown Claiming by or through any of them

Defendants

#### ORDER

AND NOW, this 29 day of February, 2012, upon the filing of Plaintiffs' Affidavit of Service of Complaint and Defendant's failure to file an Answer to the same, this Court Orders and Directs the following:

Plaintiff shall advertise by publication this Order including the following specific language: Defendants are in default of this matter by failure to file a responsive pleading. Defendants shall be forever barred from asserting any right, lien, title or interest in the land, inconsistent with the interest or claim Plaintiff sets forth in the Complaint, unless Defendants file a response to Plaintiff's Complaint within thirty (30) days from the date of this Notice. If a Response is not filed within the thirty (30) day period, the Prothonotary on praccipe of the Plaintiff shall enter final judgment.

/s/Richard A. Gray Richard A. Gray, Judge

M-16

#### NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on February 21, 2012, for the purpose of obtaining a Certificate of Incorporation of a business corporation to be organized under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania, approved December 21, 1988 (P.L. 1444, No. 177) and its amendments and supplements. The name of the corporation is:

B & D SERVICES GROUP, INC. The registered office of said corporation is: 1997 Pleasant Hill Road, Cogan Station, PA 17728. The purposes for which it is organized are: to have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988 as amended. JAMES D. CASALE, ESQUIRE CASALE & BONNER, P.C. 33 West Third Street Suite 202 Williamsport, PA 17701

M-16

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## VALLEY TRUCK

AND TOWING, INC.

The registered office of said corporation is: 1825 John Brady Drive, Muncy, PA 17756. The purposes for which it is organized are: to have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988 as amended.

JAMES D. CASALE, ESQUIRE CASALE & BONNER, P.C. 33 West Third Street Suite 202 Williamsport, PA 17701

M-16

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VALLEY INN AND SUITES, INC. The registered office of said corporation is: 1825 John Brady Drive, Muncy, PA 17756. The purposes for which it is organized are: to have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1988 as amended.

JAMES D. CASALE, ESQUIRE CASALE & BONNER, P.C. 33 West Third Street Suite 202 Williamsport, PA 17701

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#### NOTICE

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania on February 28, 2012, for the purpose of registering a Fictitious Name pursuant to the requirements of 54 Pa. C.S. §311, and its amendments and supplements. The fictitious name is:

WARRENSVILLE GENERAL

STORE & DELI

whose registered office is located at: 5849 Warrensville Road, Williamsport, Lycoming County, Pennsylvania. ANTHONY J. GRIECO, ESQUIRE ELION, WAYNE, GRIECO, CARLUCCI, SHIPMAN & IRWIN, P.C. 125 East Third Street Williamsport, PA 17701

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#### NOTICE TO JANET GREEN TO DEFEND AND CLAIM RIGHTS

In the Court of Common Pleas of Lycoming County, Pennsylvania

No. 11-20167

Michael J. Green vs. Janet E. Green

#### NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the §3301(d) affidavit. Therefore, on or after March 28, 2012, the other party can request the court to enter a final decree in divorce.

If you do not file with the Prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a final decree in divorce. A counter-affidavit which you may file with the Prothonotary of the court is attached to this notice [not published herein].

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date or the court may grant the divorce and you will lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that offer legal services to eligible persons at a reduced fee or no fee.

Prothonotary Lycoming County Courthouse 48 West Third Street Williamsport, PA 17701 (570) 327-2251 North Penn Legal Services 329 Market Street Williamsport, PA 17701 (570) 323-8741 JOHN A. SMAY, ESQUIRE I.D. # 38050 Attorney for Petitioner 39 South Main Street P.O. Box 35 Muncy, PA 17756 (570) 546-5043 (570) 546-7510 fax

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#### NOTICE

In the Court of Common Pleas of Lycoming County, Pennsylvania Civil Action—Law

NO. 11-02356

#### LYNN E. KYLE

Plaintiff

v.

## BRITT P. McCARDLE

Defendant

TO: BRITT P. McCARDLE, DE-FENDANT

You are notified that the Plaintiff, LYNN E. KYLE, has commenced a civil action against you entered to No. 2011-CV-02356 in the Court of Common Pleas of Lycoming County, Pennsylvania, which you are required to defend.

#### NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that, if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PA-PER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CUMBERLAND COUNTY BAR ASSOCIATION 2 Liberty Avenue Carlisle, PA 17013 (717) 249-3166 TIMOTHY A. SHOLLENBERGER, ESQUIRE

SHOLLENBERGER & JANUZZI, LLP Attorneys for Plaintiff

2225 Millennium Way

Enola, PA 17025

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#### NOTICE

Court of Common Pleas for Union County

No. 1200125

NOTICE IS GIVEN that on February 21, 2012, the Petition of Ellie Elizabeth Parker, a Minor, by her natural guardian, Elizabeth Danielle DeVett, was filed in the above court, requesting an order to change the name of Ellie Elizabeth Parker to Ellie Elizabeth DeVett. Hearing on said Petition shall be heard on April 23, 2012, at 3:30 P.M. in the Union County Courthouse, Lewisburg, PA, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted. JEREMIAH D. RUNKLE, ESQUIRE 14 S. Main Street Middleburg, PA 17842

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#### NOTICE

NOTICE IS HEREBY GIVEN that Euro Optics, Ltd., a Pennsylvania corporation with a registered office located 1849 Meadow Lane, Montoursville, Lycoming County, Pennsylvania, is dissolving and winding up its business. J. DAVID SMITH, ESQUIRE McCORMICK LAW FIRM 835 West Fourth Street Williamsport, PA 17701 (570) 326-5131

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## **PERIODICAL PUBLICATION** \* Dated Material. Do Not Delay. Please Deliver Before Monday, March 19, 2012